

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VIRGIN RECORDS AMERICA, INC., et
al.

Case No.: 2:05-cv-629

Judge Smith
Magistrate Judge King

Plaintiffs,

v.

THERESA FAIRCLOTH,

Defendant.

DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Application For Default Judgment By The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the seven sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Six Thousand Seven Hundred and Fifty Dollars (\$6,750.00).
2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred and Eighty Five Dollars (\$385.00).
3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Make is Last Forever," on album "Make it Last Forever," by artist "Keith Sweat" (SR# 86-761);
- "Points of Authority," on album "Hybrid Theory," by artist "Linkin Park" (SR# 288-402);
- "A Woman's Worth," on album "Songs in A Minor," by artist "Alicia Keys" (SR# 299-410);
- "Love Bites," on album "Hysteria," by artist "Def Leppard" (SR# 90-420);
- "Gangsta Gangst," on album "Straight Outta Compton," by artist "NWA" (SR# 150-531);
- "Rosa Parks," on album "Aquemini," by artist "Outkast" (SR# 264-092);
- "Let Love Rule," on album "Let Love Rule," by artist "Lenny Kravitz" (SR# 111-095);
- "Caress Me Down," on album "Sublime," by artist "Sublime" (SR# 224-105);
- "Falling Away From Me," on album "Issues," by artist "Korn" (SR# 276-133);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

IT IS SO ORDERED.

/s/ George C. Smith
George C. Smith, Judge
United States District Court